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<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/708,431	ERICKSON ET AL.	
	Examiner Kim Nguyen	Art Unit 3713	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to the amendment filed on 3/2/05.
2.  The allowed claim(s) is/are 6-10 Now renumbered as 1-5.
3.  The drawings filed on 03 March 2004 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)<br>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)<br>3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>3/3/04</u><br>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)<br>6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____.<br>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment<br>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance<br>9. <input type="checkbox"/> Other _____. |
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### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

#### **IN THE CLAIMS:**

- a) In claim 6, line 1, replace the status identifier "Amended" with  
--Currently amended--
- b) In claim 9, line 1, replace the status identifier "Amended" with  
--Currently amended--

### **REASONS FOR ALLOWANCE**

1. The following is an examiner's statement of reasons for allowance:  
  
The prior art of record fails to show or fairly suggests a static pose fixture for measuring an object of a motion capture model as set forth in independent claim 6. Specifically, the static pose fixture comprises a base; a marker; a first and a second vertical strut extended upward from the base a distance of at least 66.0 inches; a first and a second upper arm support attached to each of the first and second vertical struts; a first arm alignment strut attached to and

substantially perpendicular to the upper arm support at the right end of the upper arm support, and a second arm alignment strut attached to and substantially perpendicular to the upper arm support at the left end of the upper arm support; an elongated strut attached to the rear portion of the first and second vertical struts; and a head and upper back support attached to the elongated strut at a mid-point.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is 571-272-4441. The examiner can normally be reached on Monday-Thursday during business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai, can be reached on 571-272-7147. The central official fax number for the organization where this application or proceeding is assigned is 703-872-9306.

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Date: March 18, 2005



KIM NGUYEN  
PRIMARY EXAMINER